

**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**March 1, 2006 7:30 p.m.**  
**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, March 1, 2006 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Garretson, Commissioners Balius, Carey, and Daly, Town Manager Paul Carlisle, Town Attorney Thomas Baird, and Interim Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Vice-Mayor Garretson led the Pledge of Allegiance.

Interim Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Board Appointments and the introduction of the New Marina Manager were under Presentation.

**Motion: A motion was made by Vice-Mayor Garretson to approve the agenda as amended; Commissioner Balius made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**PRESENTATION:**

*Seacoast Utility Authority Proposed Rate Increase.*

Howard Osterman, Business Management Representative and Consultant for Seacoast Utility since 1988, gave a brief history of Seacoast Utility Authority. Mr. Osterman explained the history of Seacoast Utility rates, stating that in 1994 a revenue neutral rebalance was implemented, which provided the single family residents rates to decrease and the multi-family units to pay the full share owed.

Mr. Osterman explained that the process described was not considered a rate increase. Mr. Osterman stated that Seacoast had not increased rates since 1988. Mr. Osterman explained that the necessity to raise water quality level and complying with regulatory environment standards, as well as the operating expenses is the reason behind the proposed rate increase. Mr. Osterman

stated that 50/50 of the proposed rate increase are split between debt service and inflation. Mr. Osterman stated that the proposed increases are substantial for the average customer by \$12.00 to \$13.00 from the current price charged. Mr. Osterman stated that the smaller customers will not receive a large increase. Waste water customers are also affected.

David Xavier of LBFH Engineering stated that Seacoast Utility requested options regarding evaluation to convert the existing water treatment plant to a different type of treatment process. Seacoast Utility currently has two (2) water treatment plants, one on Hood Road, which is the larger of the two, and one on Richard Road. Mr. Xavier explained that the Hood Road water treatment plant, a 23 million gallon per day plant was built in 1975. The Richard Road water treatment plant, a 7.5 million gallon plant was built in 1958. Both treatment plants are used at 75% of their permitted capacity. Mr. Xavier explained that both plants are lime softening treatment plants. Mr. Xavier explained the process of treating the water to make it safe for consumers. A Seacoast Utility Rate Study is included as "Exhibit A". The project is expected to take five (5) year to complete.

Mr. Osterman explained the \$88 million dollar funding process for the project as \$35 million directly from Seacoast, the balance of \$55-\$60 million will be borrowed. Mr. Osterman answered questions from the Commission regarding the project.

Mayor Castro inquired about the timeframe involved to pay off the debt service. Mr. Osterman stated 30 year. Vice-Mayor Garretson inquired about filtration and odor. Mr. Xavier stated that the project includes degasification of the water, which will treat the odor situation. Mayor Castro expressed concern with the rate increase and the manner in which it will occur. Mr. Osterman explained that the Board felt phasing in the cost would prolong the inevitable. Mr. Osterman stated that the Board will hold a Public Hearing on Wednesday, March 15, 2006 in Palm Beach Gardens City Hall.

Rim Bishop, Executive Director for Seacoast Utility Authority stated that Seacoast will supply service to the new development being built in the north part of the county. The Commission thanked the representatives for speaking to the residents.

#### *Board Appointments.*

Town Manager Paul Carlisle instructed the applicants for the Harbor Marina Advisory Board to introduce themselves to the Commission.

Erie Small introduced himself to the Commission. No other applicants were present to introduce themselves to the Commission.

Town Manager Paul Carlisle stated that Ronald Bologna was seeking re-election to the Code Compliance Board.

#### *Introduction of Marina Manager*

Town Manager Paul Carlisle introduced the new Marina Manager David Hinaman to the Commission. Marina Manager David Hinaman introduced himself and gave a brief history of his career as a Marina Manager and Marina owner.

#### **PUBLIC and OTHER COMMENT**

The following person(s) addressed the Commission:

*Patricia Plasket Osterman 919 W. Jasmine Drive* – Asked the Commission to allow a Candidates Forum to take place in one of the Town facilities. The League of Women Voters declined sponsorship of the event due to short notice. Ms. Osterman stated that any Town organization could sponsor the event. The Commission approved the use of the Mirror Ballroom or Commission Chamber to hold the

Candidate Forum. Ms. Osterman stated that the who and when would be communicated to everyone once it had been determined.

**CONSENT AGENDA:**

1. Commission Meeting Minutes from February 15, 2006.
2. Special Call Commission Meeting Minutes February 11, 2006.
3. PBC Centura Loan for the purchase of budgeted equipment.
4. Authorize the disposal of the 1997 Chevy Utility Van.
5. Authorize the purchase a replacement pickup truck.

**Public Comment Open.**

*None.*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Consent Agenda; Commissioner Carey made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**QUASI-JUDICIAL PROCEEDING:**

**PUBLIC HEARING(S)**

**RESOLUTION(S)**

**RESOLUTION NO. 03-01-06 Kelsey Station Site Plan.**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR AN OFFICE/WAREHOUSE FACILITY, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 2.8 ACRES OF PROPERTY, OWNED BY KELSEY PROPERTIES, LLC AND LOCATED ON THE EAST SIDE OF OLD DIXIE HIGHWAY SOUTH OF NORTHLAKE BOULEVARD AND EAST OF SOUTH KILLIAN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk sworn in all the witnesses in the audience.

**Declare of Exparte Communication: None.**

Mayor Castro stated that the site plan for Kelsey Station is 2.5 acres of land located on the east side of Old Dixie Highway, south of Northlake Blvd, and east of South Killian Drive.

Natalie Schneider of Calvin Giordano & Associates representing staff, stated that at the request of the Commission this site plan was back to address the concerns with the western façade. Dodi Glas representing Gentile, Holloway and O'Malley stated that the Commission received a revised site plan which included the elevations and other changes that were requested. Mayor Castro asked how these elevations compare to the elevations on the other buildings. Dodi Glas stated that the crown molding now goes through the entire outside of the building instead of one side, as well as changes to the elevations on the inside of the building were improved.

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Vice-Mayor Garretson to approve Resolution 03-01-06; Commissioner Balias made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balias  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**QUASI-JUDICIAL PROCEEDING:**

**PUBLIC HEARING(S)**

**RESOLUTION(S)**

**RESOLUTION NO. 11-02-06 Mariner's Key**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A PRIVATE CLUBHOUSE AND RENOVATION OF THE EXISTING RESIDENTIAL UNITS LOCATED ON 10.31 ACRES OF PROPERTY, OWNED BY LAKE PARK OWNER LLC AND LOCATED AT 901 LAKESHORE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk sworn in all the witnesses in the audience.

**Declare of Exparte Communication:**

**Mayor Castro** declared that he met with the owner of Mariner's Key, the architect, landscape architect, and the Town Manager to discuss the revised elevations and his concerns. The representatives listened and was pleased with the meeting.

Mr. Gary requested a sixty (60) day continuous on the project. Mr. Gary stated that at the Special Call meeting on February 11, 2006 Larry Smith expressed how committed they are to working with the Town to complete this project to everyone's satisfaction.

Vice-Mayor Garretson apologized for his harsh comments at the last meeting, but did appreciate their willingness to improve the project. Mr. Gary stated that he would like to meet with each Commissioner and the Mayor individually to make sure that the project is progressing accordingly.

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Vice-Mayor Garretson to continue the hearing to May 3, 2006; Commissioner Daly made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balias  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**PUBLIC HEARING(S)**

**RESOLUTION(S)**

**RESOLUTION NO. 12-02-06 Florida Inland Navigation District.**

**A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPLY FOR FLORIDA INLAND NAVIGATION (FIND) FUNDING ASSISTANCE PROGRAM FROM FLORIDA INLAND NAVIGATION DISTRICT, FISCAL YEAR 2006/2007; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Castro explained that this Resolution would authorize the Town Manager to apply for the FIND grant.

Town Manager Paul Carlisle explained that the grant is for \$185,000.00 to complete the Seawall project at Lake Shore Park.

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Balias to approve Resolution 12-02-06;**



**Commissioner Daly made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balias  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**RESOLUTION NO. 13.02.06 Palm Beach County Sheriffs Contract.**

**A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY SHERIFF TO PROVIDE LAW ENFORCEMENT SERVICES WITHIN THE TOWN OF LAKE PARK, FLORIDA AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT.**

Mayor Castro expressed his disappointment that a representative from the Palm Beach County Sheriff's Office was not present to discuss the contract. Mayor Castro stated that in the future a Major or the Under Sheriff should be present. Mayor Castro stated that something in the contract should be added to notify the Commission of management changes due to promotions, retirements, etc. Mayor Castro agreed with the addition of deputies and other staff. Mayor Castro stated that something in the contract should be added regarding emergency situations coverage. Mayor Castro stated that he is very pleased with performance overall.

Commissioner Daly stated that he had asked for something to be added to the contract about staff changes, but it was never done.

Mayor Castro asked that the final contract be brought back for review by the Commission.

Commissioner Balias stated that the Police Department should not be in the same building as the Recreation Department. Vice-Mayor Garretson reminded the Commission that he lobbied for a separate building for Recreation several times.

Commissioner Daly expressed his concerns with both Recreation and Sheriff's together. Mayor Castro suggested the topic be added to a future agenda for further discussion.

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Vice-Mayor Garretson to approve Resolution 13-02-06 with the modification discussed to the contract; Commissioner Daly made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**RESOLUTION NO. 14.03.06 Establishing the General Election date and time.**  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING THE TIME AND PLACE OF A GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 14, 2006 FOR THE PURPOSE OF ELECTING COMMISSIONERS FOR SEAT A AND C FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; ESTABLISHING THE QUALIFYING/FILING PERIOD FOR SUCH GENERAL ELECTION POSITION AS TUESDAY JANUARY 31, 2006 THROUGH TUESDAY FEBRUARY 14, 2006 AT 5:00 PM; AND PROVIDING AN EFFECTIVE DATE.**

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution 14-03-06; Vice-Mayor Garretson made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**RESOLUTION NO. 15.03.06 Poll Workers.**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPOINTING INDIVIDUALS TO SERVE AS ELECTION POLLWORKERS: AS CLERKS, ADVISORS, COMPUTER LAPTOP OPERATORS, AND INSPECTORS FOR THE GENERAL ELECTION ON TUESDAY MARCH 14, 2006 FOR THE PURPOSE OF COMMISSIONER SEAT(S) A AND C FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution 15-03-06; Commissioner Daly made the second.**

**Vote on Motion:**

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**RESOLUTION NO. 17.03.06 Funding from Clay Shaw.**

**A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPLY FOR FEDERAL APPROPRIATIONS ASSISTANCE FUNDING FROM FEDERAL APPROPRIATIONS, FISCAL YEAR 2006/2007, IN THE AMOUNT OF \$185,000.00; AND PROVIDING AN EFFECTIVE DATE.**

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Vice-Mayor Garretson to approve Resolution 17-03-06; Commissioner Daly made the second.**

**Vote on Motion:**

| Commission Member | Yes | No | Other |
|-------------------|-----|----|-------|
| Commissioner      |     |    |       |



|                         |   |  |  |
|-------------------------|---|--|--|
| Balius                  | X |  |  |
| Commissioner<br>Daly    | X |  |  |
| Commissioner<br>Carey   | X |  |  |
| Vice-Mayor<br>Garretson | X |  |  |
| Mayor<br>Castro         | X |  |  |

Motion passed 5-0.

### **DISCUSSION AND POSSIBLE ACTION**

#### **Board Appointment(s)**

Interim Town Clerk Vivian Mendez informed the Commission that Mr. Ronald Bologna was re-appointed to serve on the Code Compliance Board. Mr. Ernie Small was appointed to serve on the Harbor Marina Advisory Board.

#### **Florida East Coast Railway Quiet Zones.**

Town Manager Paul Carlisle explained the issue with the quiet zone. Natalie Schneider, Calvin Giordano & Associates, conducted research and found that there is a clause for quiet zone with respect to the FEC, which mean the Town can not apply for quiet zones along the FEC corridor. To make matters worse the CSX (which the Town does not have) at each intersections would cost about \$300,000.00, and the Town has three (3) intersections. It would cost about \$1.5 million if the injunction is ever lifted. Town Manager Paul Carlisle continued by saying communications with the FEC will continue and ask the FEC not to blow the horns, while switching trains, at 5 mph.

Commissioner Balius mention that each time the train is moved they blow the horn, it could be up to 27 times, and they are doing this from 5-6 a.m. Commissioner Balius asked why is it that the Town can not have this quiet zone. Town Manager Paul Carlisle responded by saying that it is a danger, the courts have gotten involved and agreed with the FEC. Their report says that it is dangerous. CSX did not file for an injunction.

Town Manager Paul Carlisle concluded by saying that the Town can not spend any money on a Quiet Zone until the injunction is removed prohibiting Quiet Zones.

#### **Palm Beach County Sheriff's Office Community Safety Fair.**

Town Manager Paul Carlisle stated that last year the Palm Beach County Sheriff's Office held a Safety Fair at Town Hall. This year they would like to make it a larger event and hold it at Kelsey Park. The Commission gave consensus to hold the Community Safety Fair at Kelsey Park.

#### **Community Beautification Fund Application.**

Town Manager Paul Carlisle explained the necessity for the repairs and the need for this grant. The funds are from the Code Compliance Fines. Mayor Castro wanted an update on the last grant given because the property is still unsatisfactory. Town Manager Paul Carlisle indicated that he would follow up on the progress of that property. Mayor Castro stated that the checks should be made directly to the contractor and not the home owner.

#### **Public Hearing Opened.**

*None.*

#### **Public Hearing Closed.**

**Motion: A motion was made by Vice-Mayor Garretson to approve the Community Beautification Fund Application and have the funds sent directly to the contractor and not the property owner; Commissioner Balius made the second.**

Vote on Motion:

| Commission Member    | Yes | No | Other |
|----------------------|-----|----|-------|
| Commissioner Balius  | X   |    |       |
| Commissioner Daly    | X   |    |       |
| Commissioner Carey   | X   |    |       |
| Vice-Mayor Garretson | X   |    |       |
| Mayor Castro         | X   |    |       |

Motion passed 5-0.

**Authorize the sale of alcohol at the Marina for the American Public Works Association.**

Town Manager Paul Carlisle explained that this event will take place on Thursday, March 16, 2006 at the Marina. The alcohol will be free to members of the American Public Work Association and the Town Commission. Alcohol will not be sold at this event.

The Commission gave consensus to serve alcohol at the Marina for the American Public Works Association event.

**Reschedule the March 15, 2006 Regular Commission Meeting.**

Mayor Castro explained that the Commission needs to meet before the March 15, 2006 Regular Commission Meeting because of an Interlocal Agreement which deals with Scripps that needs to be heard. Town Manager Paul Carlisle stated that they were trying to reschedule the March 15, 2006 Regular Commission Meeting, but after some discussion the March 15 meeting will still need to take place to swear in the newly elected Commission and to have a Resolution for a Run-off Election, should it be necessary. Town Manager Paul Carlisle stated that he will not be available at the March 15, 2006 Commission meeting because he will be attending the Seacoast Utility Public Hearing in Palm Beach Gardens.

Mayor Castor requested a motion to conduct a Monday, March 6, 2006 Special Call meeting.

**Public Hearing Opened.**

*None.*

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Balius to approve the Special Call Commission Meeting for Monday, March 6, 2006; Commissioner Daly made the second.**

Vote on Motion:

| Commission Member | Yes | No | Other |
|-------------------|-----|----|-------|
|                   |     |    |       |

|                         |   |  |  |
|-------------------------|---|--|--|
| Commissioner<br>Balius  | X |  |  |
| Commissioner<br>Daly    | X |  |  |
| Commissioner<br>Carey   | X |  |  |
| Vice-Mayor<br>Garretson | X |  |  |
| Mayor<br>Castro         | X |  |  |

Motion passed 5-0.

### **COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

#### **Mayor Castro**

Mayor Castro thanked Captain Reece for the proactive activity the Palm Beach County Sheriff's Office conducted on Friday, February 24, 2006. Captain Reece explained that on Friday, February 24, 2006 there were 30 officers working at different area of Town. They focused on narcotics, prostitution, car thefts and burglaries. There were a total of 9 arrest, 6 for prostitution, 1 for narcotics, 1 for traffic, and 1 for fire arms. Overall it was a success. In the future they hope to do more operations such as this one.

#### **Commissioner Balius**

Commissioner Balius reminded residents to vote on Tuesday, March 14, 2006.

#### **Commissioner Daly**

Commissioner Daly wanted clarification on the Planning & Zoning Board issues that have been occurring lately. One meeting an Attorney did not arrive, then the following meeting they were told that they would no longer be receiving the minutes as they had in the past. The issue was that certain things that were spoken were going to be deleted from the minutes. Commissioner Daly expressed his concern with who makes such decisions and why they are made, when things are discussed at a meeting, they should be added to the minutes. Mayor Castro stated that the minutes should not be verbatim, but they should include the information needed to explain the action taken, so that when someone reads the minutes they can understand what took place at the meeting. Mayor Castro stated that Board members should never be told what will and what will not be inserted into the minutes. Town Manager Paul Carlisle explained to the Commission that it was taking staff many hours to complete minutes because they were being done verbatim. Town Attorney Thomas Baird stated that he directed staff to remove a discussion from the draft minutes that had nothing to do with the action being taken. When the Board member requested that certain discussion be added back to the final minutes, it was done.

Commissioner Daly asked for an update on Park Avenue BBQ citations. Town Manager Paul Carlisle explained that each time they are cited, they clean or fix the situation and then it reoccurs. Town Manager Paul Carlisle explained that the other project on Park Avenue (One Park Place) switched owners. Town Manager Paul Carlisle stated that he would follow up with the new owner Mr. Don Franklin in the morning.

#### **Vice-Mayor Garretson**

*None.*

#### **Commissioner Carey**

*None.*

**Town Attorney**

*None.*

**Town Manager**

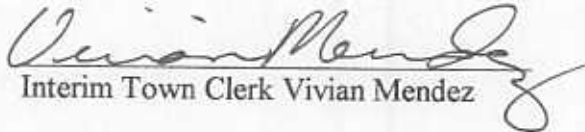
Town Manager Paul Carlisle invited everyone to Kelsey Park on Friday, March 17, 2006 for Irish Fest.

## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Garretson and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 8:55 p.m.



Mayor Paul Castro



Interim Town Clerk Vivian Mendez

Approved on this 15<sup>th</sup> day of March, 2006.